

Federal Operating Permit
Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V, and Chapter 80, Article 3 and Chapter 140 of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia Electric and Power Company
Facility Name:	Yorktown Power Station
Facility Location:	1600 Waterview Road Yorktown, Virginia 23692
Registration Number:	60137
Permit Number:	TRO - 60137

This permit includes the following programs:

Federally Enforceable Requirements – Clean Air Act (Sections I through VIII)

Federally Enforceable Requirements – Title IV Acid Rain (Section IX)

Federally Enforceable Requirements – NO_x Budget Trading Requirements (Section X)

Federally Enforceable Requirements – Clean Air Interstate Rule (CAIR) (Section XI)

State Only Enforceable Requirements (Section XI)

January 1, 2008

Effective Date

December 31, 2012

Expiration Date

Francis L. Daniel

Signature Date

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Permit Conditions, pages 5-46

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I. Facility Information

Permittee

Virginia Electric and Power Company
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Responsible Official

Josh Bennett
Yorktown Power Station Director

Acid Rain Designated Representative/NO_x Budget Trading Authorized Account Representative

C. D. Holley
Vice-President – Fossil & Hydro
USEPA ATS-AAR ID Number 602099

Facility

Yorktown Power Station
1600 Waterview Road
Yorktown, Virginia 23692

Contact Person

Pamela F. Faggert
Vice President & Chief Environmental Officer
(804) 273-3467

County-Plant Identification Number: 51-199-00001

ORIS Code and/or EIA Facility ID (for non-EGU units): 3809

NATS Facility Identification Number: 3809

Facility Description: SIC Code 4911 (Electrical Power Generation) and NAICS ID Code 221112 (Fossil Fuel Electric Power Generation). The facility combusts fossil fuels, for the generation of electrical power, in two (2) coal-fired steam generators and one (1) residual oil fired steam generator. The three utility boilers also fire #2 fuel oil. Two of the three boilers are capable of firing natural gas, two are capable of firing petroleum coke, two are capable of consuming boiler solvent cleaning solution, one is capable of firing refinery gas, and one is capable of firing waste pond bottoms. The two coal-fired boilers have low- NO_x burners, improved overfire air systems and ammonia or urea injection for voluntary NO_x reduction. Other emission units are two fluid heaters, and coal receiving, conveying and reclaim systems. This is a major source subject to Title V and an acid rain source subject to Title IV of the Clean Air Act Amendments of 1990.

The facility is operating under a consent decree from EPA. Specific conditions from the decree associated with this facility have been added to the permit.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
ES-1A ES-1B ES-1C ES-1D ES-1E	EP-0	ES-1 – Combustion Engineering tangential-fired boiler (1957). Fires coal (primary), petroleum coke, distillate oil, natural gas and refinery gas. May consume solvent solution or use borate injection, such as GAM-60 to coat furnace walls.	1697 mmBtu/hr (nominal)	Western Precipitator 9VG12 cold-side ESP and Koppers- Custom Design Multicyclone. Equipped with low- NO _x burners, modified overfire air and ammonia or urea injection system for voluntary NO _x control.	CD-1A CD-1B CD-1C	PM NO _x	01/13/94 NSR; 09/03/96 SOP; 05/02/03 Title IV Phase II Acid Rain Permit.
ES-2A ES-2B ES-2C	EP-0	Unit ES-2 – Combustion Engineering tangential-fired boiler (1959). Fires coal (primary), petroleum coke and distillate oil. May consume solvent solution, cofire pond bottoms or use borate injection, such as GAM-60 to coat furnace walls.	1745 mmBtu/hr (nominal)	Environmental Elements – Custom Design cold-side ESP. Equipped with low- NO _x burners, modified overfire air and ammonia or urea injection system for voluntary NO _x control.	CD-2 CD-2B	PM PM-10 NO _x Arsenic Beryllium Cadmium Chromium Manganese Nickel	01/13/94 NSR; 09/03/96 SOP; 08/23/99 NSR; 05/02/03 Title IV Phase II Acid Rain Permit.
ES-3A ES-3B ES-3C ES-3D	EP-3	Unit ES-3 – Combustion Engineering tangential-fired boiler (1974). Fires residual oil (primary), on-specification used oil, natural gas and distillate fuel oil. Fuel oils may contain additives, added either on-site or off-site.	8061 mmBtu/hr (nominal)	Universal Oil Products – Custom Design Multicyclone	CD-3	PM	09/03/96 SOP; 05/02/03 Title IV Phase II Acid Rain Permit.
ES-4	EP-4	Struthers distillate oil-fired fluid heater (1972).	20.5 mmBtu/hr (nominal)	N/A	N/A	N/A	N/A

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<i>ES-5</i>	<i>EP-5</i>	<i>Radco distillate oil-fired fluid heater (1975).</i>	<i>40.0 mmBtu/hr (nominal)</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Coal Handling</i>							
<i>ES-6a</i>	<i>EP-6</i>	<i>Coal receiving from coal car unloading</i>	<i>600 tons coal/hr (nominal)</i>	<i>Enclosures</i>	<i>N/A</i>	<i>PM PM-10</i>	<i>N/A</i>
<i>ES-6b</i>	<i>EP-6</i>	<i>Coal conveying system (Drop points DP-1 to DP-9)</i>	<i>600 tons coal/hr (nominal)</i>	<i>Enclosures and fabric filter</i>	<i>N/A</i>	<i>PM PM-10</i>	<i>N/A</i>
<i>ES-6c</i>	<i>EP-6</i>	<i>Coal crusher (Drop point DP-3)</i>	<i>600 tons coal/hr (nominal)</i>	<i>Enclosures</i>	<i>N/A</i>	<i>PM PM-10</i>	<i>N/A</i>
<i>ES-6d</i>	<i>EP-6</i>	<i>Coal pile storage and handling (bulldozer and wind erosion)</i>	<i>600 tons coal/hr (nominal)</i>	<i>N/A</i>	<i>N/A</i>	<i>PM PM-10</i>	<i>N/A</i>

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (Units ES-1 to ES-5)

A. Limitations

1. **Fuels for Units ES-1 and ES-2** – The approved fuels for Unit ES-1 are coal (primary), petroleum coke, distillate oil, natural gas and refinery gas. The approved fuels for Unit ES-2 are coal (primary), petroleum coke and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 “Standard Specification for Fuel Oils.” Units ES-1 and ES-2 may also consume boiler cleaning solvent solution. Unit ES-2 may also co-fire pond bottoms. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B1)
2. **Fuels for Unit ES-3** – The approved fuels for Unit ES-3 are residual oil (primary), on-specification used oil, natural gas and distillate oil. Residual oil is defined as fuel oil that meets the specifications for fuel oil numbers 4, 5 or 6 under the American Society for Testing and Materials ASTM D396, “Standard Specification for Fuel Oils.” Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B1)
3. **Fuel for Units ES-4 and ES-5** – The approved fuel for Units ES-4 and ES-5 is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B1)
4. **Emission Controls for Unit ES-1** – Particulate matter emissions and hazardous air pollutants (HAPs) emitted as particulate matter from the consumption of all approved fuels in Unit ES-1 shall be controlled by a multicyclone and an electrostatic precipitator during the combustion of all approved fuels. The multicyclone and electrostatic precipitator shall be provided with adequate access for inspection and shall be operating properly when Unit ES-1 is operating.
(9 VAC 5-80-490 and Condition 3 of 01/13/94 NSR permit)
5. **Emission Controls for Unit ES-2** – Particulate matter emissions and hazardous air pollutants (HAPs) emitted as particulate matter from the consumption of all approved fuels in Unit ES-2 shall be controlled by an electrostatic precipitator. The electrostatic precipitator shall be provided with adequate access for inspection and shall be operating properly when Unit ES-2 is operating.
(9 VAC 5-80-490, Condition 4 of 01/13/94 NSR permit and Condition 3 of 08/23/99 NSR permit)
6. **Emission Controls for Unit ES-3** – Particulate matter emissions from Unit ES-3 shall be controlled by a multicyclone. The multicyclone shall be provided with adequate access for inspection and shall be operating properly when Unit ES-3 is operating.
(9 VAC 5-80-490)

7. **Maximum Pond Bottoms Hourly Combustion Rate for Unit ES-2** – Waste pond bottoms shall be co-fired with coal only in Unit ES-2 and shall be delivered to the boiler from a bunker predesignated for a coal and bottoms blend at a rate not exceeding ten (10) tons of bottoms per hour, expressed on a dry weight basis.
(9 VAC 5-80-490 and Condition 5 of 08/23/99 NSR permit)
8. **Maximum Pond Bottoms Annual Combustion Rate for Unit ES-2** – Waste pond bottoms combustion shall not exceed 10,000 tons, expressed on a dry weight basis, of onsite waste pond bottoms per year, calculated monthly as the sum of each consecutive 12-month period. Use of any sources of bottoms other than the “Finger” ponds and “Oil Retention” pond may require additional sampling and hazardous air pollutant (HAP) analyses and a modification to this permit.
(9 VAC 5-80-490 and Condition 6 of 08/23/99 NSR permit)
9. **Cleaning Solution Consumption Restriction in Units ES-1 and ES-2** – The consumption of boiler cleaning solvent solution shall only be conducted in one unit at a time.
(9 VAC 5-80-490 and Condition 5 of 01/13/94 NSR permit)
10. **Maximum Solvent Consumption Rate for Units ES-1 and ES-2** – Units ES-1 and ES-2, combined, shall consume no more than 360,000 gallons per year of boiler cleaning solvent solution, calculated each month boiler cleaning solvent solution is consumed as the sum of the previous twelve consecutive months (90,000 gallons of boiler cleaning solvent solution + 270,000 gallons of water added during 3 rinses of 90,000 gallons.)
(9 VAC 5-80-490 and Condition 5 of 01/13/94 NSR permit)
11. **PM Emission Limits for Units ES-1 to ES-5** – No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits:

Emissions Unit	Heat Input (mmBtu/hr)	Allocated Particulates (lbs/hr)
Unit ES-1	1697.0	306.0
Unit ES-2	1745.0	188.5
Unit ES-3	8061.0	661.0
Unit ES-4 (Oil Tank Heater)	20.5	0.3
Unit ES-5 (Oil Tank Heater)	40.0	0.6

For fuel burning equipment installations with total capacity in excess of 10 billion Btu per hour, the maximum allowable emission ratio, E, in pounds of particulate per million Btu input, shall be 0.1 pounds of particulate per million Btu input. Maximum allowable particulate emissions for each fuel burning equipment unit shall be the product of the rated capacity and the emission ratio. The individual unit particulate emissions allocations may be revised by the permittee in accordance with 9 VAC 5-40-910.

(9 VAC 5-40-900, 9 VAC 5-40-910 and 9 VAC 5-80-490)

12. **SO₂ Emission Limit for Units ES-1 to ES-5** – No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any sulfur dioxide emissions in excess of the following limit:

SO ₂ (for Units ES-1 to ES-5, combined)	30,528 lbs/hr
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The maximum emissions shall be determined by the equation $S=2.64K$, where S = allowable emission of sulfur dioxide expressed in pounds per hour and K = heat input capacity expressed in million Btu per hour. Compliance with this condition shall be demonstrated using a continuous emissions monitoring system in accordance with 40 CFR Part 75 and shall be based on a 30-day rolling average.

(9 VAC 5-40-930 and 9 VAC 5-80-490)

13. **PM/PM₁₀ Emission Limit for Unit ES-2 Pond Bottoms Combustion** – Criteria pollutant and hazardous air pollutant (HAP) emissions from combustion of waste pond bottoms in Unit ES-2 shall not exceed the limits specified below:

	<u>Hourly</u>	<u>Annual</u>
Particulate Matter/PM ₁₀	25.0 lbs/hr	12.5 tons/yr

Exceedance of either pond bottoms combustion rate limit specified in Conditions 7 or 8 of this section shall be considered credible evidence of the exceedance of emission limits.

(9 VAC 5-80-110, 9 VAC 5-80-490 and Condition 7 of 08/23/99 NSR permit)

14. **NO_x Emission Limit for Units ES-1 and ES-2 Solvent Consumption** – Emissions from disposal of solvent solution in Units ES-1 and ES-2, combined, shall not exceed limits specified below:

	<u>Hourly</u>	<u>Annual</u>
Nitrogen Dioxide (as NO ₂)	700.0 lbs/hr	21.0 tons/yr

Noncompliance with the solvent combustion limitations specified in Condition 10 of this section shall be considered credible evidence of the exceedance of emission limits.

(9 VAC 5-80-490 and Condition 10 of 01/13/94 NSR permit)

15. **Facility Ozone Season NO_x Emission Limits Beginning 2008** – The total nitrogen oxide (NO_x) emissions from Dominion Generation – Yorktown Power Station, and Chesapeake Energy Center, combined, shall not exceed 5,000 tons from June 1 to August 31 (inclusive) per calendar year, starting in the year 2008. Virginia Electric and Power Company shall determine the actual NO_x emission released from the Yorktown Power Station from June 1 to August 31 of each calendar year by the use of emission rates in lbs/million Btu collected in accordance with the provisions of 40 CFR 60, and the total heat input during the period for each unit (from fuel consumption and fuel analysis data.) The results and any supporting data the Department may request shall be submitted to the Director, Tidewater Regional Office by October 15 of each calendar year.
(9 VAC 5-80-490 and Condition 4 of 09/03/96 State Operating Permit)

16. **Visible Emission Limits for Units ES-1, ES-2, ES-3, ES-4 and ES-5** – Visible emission at boiler stack EP-0 while burning any approved fuel in Units ES-1 or ES-2, except during the co-firing of boiler cleaning solvent solution or waste pond bottoms; boiler stack EP-3 while burning any approved fuel in Unit ES-3; stack EP-4 for fluid heater ES-4; and stack EP-5 for fluid heater ES-5 shall not exceed twenty (20) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity, as determined by continuous opacity monitoring system (COMS) or EPA Method 9 (reference 40 CFR 60, Appendix A.) (9 VAC 5-40-80, 9 VAC 5-40-490B and 9 VAC 5-80-490)
17. **Visible Emission Limit for Solvent Consumption in Units ES-1 or ES-2, or Pond Bottoms Combustion in Unit ES-2** – Visible emissions at boiler stack EP-0 during the combined burning of coal and consumption of boiler cleaning solvent solution, in Units ES-1 or ES-2, or during the co-firing of coal and waste pond bottoms in Unit ES-2, shall not exceed twenty (20) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity, as determined by COMS, or EPA Method 9 (reference 40 CFR 60, Appendix A.) (9 VAC 5-80-490, Condition 12 of 01/13/94 NSR permit and Condition 8 of 08/23/99 NSR permit)
18. **Solvents Approved for Consumption** – Solvents and their concentrations approved for consumption in Units ES-1 and ES-2 are as follows:

Solvents	Maximum Concentrations
Ethylenediamine Tetracetic Acid (EDTA)	(333.3 lbs EDTA) per 1000 gallons of water
Ammoniated EDTA	(333.3 lbs EDTA + 148.4 lbs NH ₄ OH) per 1000 gallons of water
EDTA and Sodium Nitrite	(333.3 lbs EDTA + 115.71 lbs NaNO ₂) per 1000 gallons of water
Citric Acid	(200 lbs Citric Acid) per 1000 gallons water
Ammoniated Citric Acid	(200 lbs Citric Acid + 205.75 lbs NH ₄ OH) per 1000 gallons of water
Citric Acid and Sodium Nitrite	(200 lbs Citric Acid + 115.71 lbs NaNO ₂) per 1000 gallons of water
Ammoniated Citric Acid and Sodium Nitrite	(200 lbs Citric Acid + 148.4 lbs NH ₄ OH + 115.71 lbs NaNO ₂) per 1000 gallons of water
Ammoniated Bifluoride	(20.8 lbs NH ₅ F ₂) per 1000 gallons of water

All combinations of these solvents at or below the above specified concentrations are acceptable. A change in the concentration of these solutions or the use of additional solutions may require a permit to modify and operate.

(9 VAC 5-80-490 and Condition 6 of 01/13/94 NSR permit)

19. **Limits on Metals Contamination in Solvents** – The metal contaminant level per 1000 gallons of solvent boiler cleaning solution shall not exceed the following:

Metal	Maximum Contamination Level (lbs per 1000 gallons of solvent boiler cleaning solution)
Iron (Fe)	104.3
Copper (Cu)	9.63
Nickel (Ni)	4.05
Zinc (Zn)	5.64
Calcium (Ca)	1.6
Magnesium (Mg)	0.62
Manganese (Mn)	0.43

(9 VAC 5-80-110, 9 VAC 5-80-490 and Condition 7 of 01/13/94 NSR permit)

20. **Solvent Solution Analysis** - A representative sample of each batch of solvent boiler cleaning solution to be consumed in Units ES-1 and ES-2 shall be obtained and forwarded for analysis for the above metals to a qualified laboratory. Test results shall be expressed in pounds of each metal per 1000 gallons of solvent boiler cleaning solution.

(9 VAC 5-80-490 and Condition 8 of 01/13/94 NSR permit)

21. **Emission Limits for Solvent Solution Consumption** – Hazardous air pollutant (HAP) emissions from the consumption of the solvent solution in Unit ES-1 and ES-2, combined, shall not exceed the limits specified below:

HAP	Hourly (lbs/hr)	Annual (tons/yr)
Iron Oxide	8.1	0.12
Copper Oxide	0.6	0.01
Nickel Oxide	0.3	0.01
Zinc Oxide	0.4	0.01
Hydrogen Fluoride	46.5	N/A

These emissions are derived from the estimated overall emission contribution. Compliance shall be determined by specific Conditions 19 and 20 above.

(9 VAC 5-80-490 and Condition 10 of 01/13/94 NSR permit)

22. **Emission Limits for Pond Bottoms Combustion** – Hazardous air pollutant (HAP) emissions from combustion of waste pond bottoms in Unit ES-2 shall not exceed the limits specified below:

HAP	Hourly (lbs/hr)	Annual (tons/yr)
Arsenic	0.30	0.15
Beryllium	0.01	0.01
Cadmium	0.01	0.01
Chromium	0.30	0.15
Manganese	3.60	1.80
Mercury	0.02	0.01
Nickel	18.0	9.0
Selenium	0.24	0.12
Total of HAP limits	23.0	11.5

These emissions are derived from the estimated overall emission contribution from expected operating conditions. Exceedance of either bottoms combustion rate limit in specific Conditions 7 or 8 of this section shall be considered credible evidence of the exceedance of emission limits.
(9 VAC 5-80-490 and Condition 7 of 08/23/99 NSR permit)

23. **Facility or Control Equipment Malfunction–Hazardous Air Pollutant Processes** - Waste pond bottoms combustion in Unit ES-2 shall, upon request of the Department, shut down immediately if its emissions may increase in any amount because of a bypass, malfunction, shutdown or failure of the combustion unit or its associated air pollution control equipment. Co-firing shall not recommence until the combustion unit and associated air pollution control equipment are operating in a proper manner.
(9 VAC 5-80-490 and Condition 16 of 08/23/99 NSR permit)
24. **Fuel Certification** – The permittee shall obtain a certification from the fuel supplier for each shipment of distillate oil. Each fuel supplier certification shall include the following:
- The name of the fuel supplier;
 - The date on which the distillate oil was received;
 - The volume of distillate oil delivered in the shipment; and
 - A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for fuel oil numbers 1 and 2.
- (9 VAC 5-80-490)

25. **Consent Decree** - The Consent Decree entered by the United States District Court for the Eastern District of Virginia, Civil Action Nos. 03-CV-517-A and 03-CV-603-A, on October 10, 2003 between Virginia Electric and Power Company and the United States of America, et al. (the "Consent Decree"), as such Consent Decree might be amended or modified from time to time in accordance with its terms, is incorporated in its entirety into this permit by reference and is attached as Appendix B to this permit. The permittee's obligations under this permit shall be to comply with the terms and conditions of the Consent Decree that relate to the operation of Yorktown Power Station exclusively, and such compliance shall be determined exclusively by reference to the terms and conditions of the Decree. Whenever any conflict or ambiguity arises between the Consent Decree and this permit, the terms and conditions of the Consent Decree control. Compliance with the monitoring, recordkeeping, reporting, testing and compliance certification requirements in the Consent Decree that relate to the operation of Yorktown Power Station shall be deemed to satisfy the monitoring, recordkeeping, reporting, testing, and compliance certification requirements of this permit arising out of the terms and conditions of the Consent Decree.
(9 VAC 5-80-490 and Appendix B)
26. **Consent Decree** - The facility shall operate Yorktown Units 1 and 2 ESPs to maximize PM emission reductions through the following procedures:
- a. Commence ESP operation no later than two hours after commencement of combustion of any amount of coal, for all ESP-equipped units. "Combustion of any amount of coal" shall not include combustion of coal that is the result of clearing out a Unit's coal mills as the Unit is returned to service.
 - b. Fully energize each available portion of each ESP, except those ESP fields that have been out of service since at least January 1, 2000, consistent with manufacturer's specifications, the operational design of the Unit, and good engineering practices, and repair such fields that go out of service consistent with the requirements of this Paragraph.
 - c. Maintain power levels delivered to the ESPs, consistent with manufacturers' specifications, the operational design of the Unit, and good engineering practices.
 - d. Continuously operate Yorktown Units 1 and 2 ESPs in compliance with manufacturers' specifications, the operational design of the Unit, and good engineering practices. Whenever any element of any ESP that has been in service at any time since January 1, 2000 fails, does not perform in accordance with manufacturers' specifications and good engineering practices, or does not operate in accordance with the standards set forth in this Paragraph, permittee shall use best efforts to repair the element no later than the next available Unit outage appropriate to the repair task.
(9 VAC 5-80-490 and Paragraph 78 of Appendix B)
27. **Consent Decree** - Permittee shall conduct ESP Optimization Studies per Paragraph 79 of the Decree by April 21, 2009.
(9 VAC 5-80-490 and Paragraph 79 of Appendix B)

28. **Consent Decree** - Within 270 days after approval of the ESP Optimization Studies by the United States, Permittee shall operate and maintain the ESPs in compliance with the approved ESP optimization plan, and the PM emission limit for each Unit shall be 0.030 lb/mmBtu, either commencing immediately or on and after the date required by the Decree for completion of FGD installations or improvements at that Unit. Otherwise, permittee shall comply with Paragraph 82 of the Decree.
(9 VAC 5-80-490 and Paragraph 80 of Appendix B)
29. **Consent Decree** - PM Emission Rates established under Paragraph 80 of the Decree shall not apply during periods of "startup" and "shutdown" or during periods of control equipment or Unit malfunction. Periods of "startup" shall not exceed two hours after any amount of coal is combusted. Periods of "shutdown" shall only commence when the Unit ceases burning any amount of coal. Coal shall not be deemed to be combusted if it is burned as a result of clearing out a Unit's coal mills as the Unit is returned to service.
(9 VAC 5-80-490 and Paragraph 82 of Appendix B)

B. Monitoring

1. **Condition Assessment of Multicyclones for Units ES-1 and ES-3** – A condition assessment shall be conducted on the multicyclones for Units ES-1 and ES-3 annually by the permittee to insure the equipment is in proper operating condition.
(9 VAC 5-80-490 and Condition 3 of 01/13/94 NSR permit)
2. **Opacity Monitors for Units ES-1, ES-2 and ES-3** – A continuous opacity monitoring system (COMS) shall be installed and operated to measure and record opacity of emissions from stack EP-0, serving Units ES-1 and ES-2, and from stack EP-3, serving Unit ES-3. Each COMS shall be maintained and calibrated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41 of State Regulations.
(9 VAC 5-40-100 and 9 VAC 5-80-490)
3. **Opacity Measurements for Units ES-1, ES-2 and ES-3** – The permittee shall review the recorded opacity data from opacity monitors serving Units ES-1, ES-2 and ES-3 daily. If the data indicate opacity approaching the applicable standard, the permittee shall check boiler operating parameters to determine if parameters are within normal range. If boilers are not operating within normal parameters, adjustments shall be made to return the unit(s) to proper operation. Opacity data shall be reviewed again to confirm proper operations. Recorded data shall be kept on-site for a minimum of five years.
(9 VAC 5-40-940 and 9 VAC 5-80-490)
4. **Visual Emission Observations for Emissions Units ES-4 and ES-5** – Visible emission observation shall be used by the permittee to assist in determining whether emissions Units ES-4 and ES-5 are operating properly. Each unit shall be observed for visible emissions on a monthly basis during months in which each unit is operated. The results of the observations shall be recorded and records retained on site for review. Whenever either unit appears to be exceeding normal visible emissions, the permittee shall check the unit's operating parameters and proceed as follows:
 - a. If unit parameters are not within normal range, then;
 - (1) Corrective action shall be taken to return the unit to proper operation.

- (2) The visible emission observation shall be repeated to confirm proper operation.
- b. If unit parameters are within the proper range or corrective action did not adequately reduce visible emissions, then a visible emissions evaluation (VEE), in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted.
(9 VAC 5-80-490E)
5. **NO_x from Combustion of Solvent Cleaning Waste in Units ES-1 and ES-2** – The permittee shall calculate NO_x emissions resulting from the disposal of boiler solvent cleaning waste in Units ES-1 and ES-2. Combined emissions of Units ES-1 and ES-2 shall be determined for the period of each event and totaled each month boiler cleaning solvent solution is consumed as the sum of the previous twelve consecutive months.
(9 VAC 5-80-490)
6. **Emissions Calculations** – The permittee shall calculate emissions of PM in lbs/mmBtu (combined) and lbs/hr (for each unit) from Units ES-1, ES-2, ES-3, ES-4 and ES-5 to demonstrate compliance with the combined PM limitations specified in specific Condition A.11 of this section. The permittee shall calculate emissions of SO₂ in lbs/mmBtu from fuel heaters ES-4 and ES-5 and use recorded CEMS data for SO₂ emissions in lbs/mmBtu from Units ES-1, ES-2 and ES-3 to demonstrate compliance with the combined SO₂ limitations specified in specific Condition A.12 of this section. The permittee shall calculate such emissions weekly utilizing hourly heat input data or hourly fuel throughput, control equipment efficiency and appropriate F-factors or AP-42 emission factors or CEMS data where appropriate. In lieu of a weekly calculation, the permittee may elect to make a one-time demonstration of the relationship between maximum hourly heat input or fuel throughput and maximum hourly emissions using appropriate F-factors or AP-42 emission factors. Such a one-time demonstration shall be maintained on-site for the life of the units and shall demonstrate compliance with the emission limitations set forth in specific Conditions A.11 and A.12 of this section.
(9 VAC 5-80-490)

7. The permittee shall monitor, operate, calibrate and maintain the ESPs controlling Units 1, 2, and 3 according to the following table:

**Electrostatic Precipitator Compliance Assurance Monitoring (CAM) Plan
(Units: ES-1, ES-2 and ES-3)**

Indicator	Indicator 1 Opacity	Indicator 2 Transformer Rectifiers	Indicator 3 Precipitator Rappers
Measurement approach	Opacity is continuously monitored by a Continuous Opacity Monitoring System (COMS). Continuous values are reduced to six-minute block averages.	Daily observation of each rectifier or rectifier alarm status by a qualified employee.	Daily observation of each rapper or its controls by a qualified employee.
Indicator range	An excursion is defined as average opacity greater than 20% during one six-minute period in any one hour.	An excursion is defined as a non-energized rectifier or a rectifier alarm or failure to perform the daily inspection of the rectifier.	An excursion is defined as a rapper failure or failure to perform the daily inspection of rappers.
<u>Performance criteria:</u>			
Verification of operational status	COMS were installed in accordance with 40 CFR 60, Appendix B, Performance Specification 1 (PS-1).	Rectifier observations verify that adequate electrical power is supplied to the ESPs.	Rapper observations verify that scheduled cleaning is performed on the ESPs.
QA/QC practices and criteria	COMS were installed and evaluated in accordance with 40 CFR 60, Appendix B, PS-1. Trained personnel to perform daily checks of zero and span drift and filter audits in accordance with PS-1.	ESPs are energized within 2 hours after commencement of combustion of any amount of coal (except when clearing out coal mills). Each available portion of the ESP is fully energized and power levels delivered to the ESPs are maintained consistent with manufacturers' specifications, operational design of the equipment and good engineering practices. All startups and events for which the unit is on-line and the ESP is powered off are recorded.	Rapper equipment for each ESP is checked daily by station personnel who fill out an electronic equipment inspection report that indicates whether or not the equipment is operating..
Monitoring frequency and data collection procedure	Continuous for COMS. The opacity data are collected and retained by a computerized Data Acquisition And Handling System (DAHS).	Any failure of the ESP equipment is recorded in an event log. For all equipment failures that cannot be repaired the same day, best efforts are made to repair the element no later than the next available unit outage appropriate to the repair task. The log also includes a history of the actions taken to correct the problem and restore the equipment back to operation.	Any failure of the rapper system is recorded in an event log. For all equipment failures that cannot be repaired the same day, best efforts are made to repair the element no later than the next available unit outage appropriate to the repair task. The log also includes a history of the actions taken to correct the problem and restore the equipment back to operation.

8. **Compliance Assurance Monitoring (CAM)** - The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-490 E and 40 CFR 64.6 (c))
9. **Compliance Assurance Monitoring (CAM)** - At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
(9 VAC 5-80-490 E and 40 CFR 64.7 (b))
10. **Compliance Assurance Monitoring (CAM)** - Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that Units ES-1, ES-2 and ES-3 are operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.
(9 VAC 5-80-490 E and 40 CFR 64.7 (c))
11. **Compliance Assurance Monitoring (CAM)** - Upon detecting an excursion or exceedance, the permittee shall restore operation of Units ES-1, ES-2 or ES-3 (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.
(9 VAC 5-80-490 E and 40 CFR 64.7 (d)(1))
12. **Compliance Assurance Monitoring (CAM)** - Determination that acceptable procedures were used in response to an excursion or exceedance based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.
(9 VAC 5-80-490 E and 40 CFR 64.7(d)(2))

13. **Compliance Assurance Monitoring (CAM)** - If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Tidewater Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
(9 VAC 5-80-490 E and 40 CFR 64.7(e))
14. **Compliance Assurance Monitoring (CAM)** - If the number of exceedances or excursions exceeds 5 percent duration of the operating time for Units ES-1, ES-2 and ES-3 for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:
 - a. Improved preventative maintenance practices;
 - b. Process operation changes;
 - c. Appropriate improvements to control methods;
 - d. Other steps appropriate to correct control performance; and
 - e. More frequent or improved monitoring.(9 VAC 5-80-490 E and 40 CFR 64.8(a) and (b))

C. Recordkeeping

1. **On Site Records for Units ES-1, ES-2 and ES-3** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Records of calculated or measured ozone season (June 1 to August 31 inclusive) NO_x emissions, in tons, to support specific reporting requirements in Section III.E of this permit;
 - b. Records of the types and amounts of fuels combusted in each of Units ES-1, ES-2 and ES-3, calculated monthly as the sum of each consecutive 12-month period;
 - c. All fuel supplier certifications;
 - d. Annual average ash content, calculated as the BTU-weighted average ash content of coal combusted in each calendar year;
 - e. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved pollutant-specific emission factors, equations and assumptions used;

- f. Any emissions data measured by continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS);
- g. Records of boiler or air pollution control equipment (APCE) performance measurements or emissions testing;
- h. Records of annual multicyclone condition assessments for Units ES-1 and ES-3; and
- i. All stack test data.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.

(9 VAC 5-80-490 C and F)

- 2. **Consumption in Units ES-1 and ES-2** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Types, maximum hourly feed rate and amount of disposal of boiler solvent waste solution in Units ES-1 and ES-2, combined, in gallons per year, calculated at the end of each month that cleaning solvent solution has been consumed as the sum of the previous twelve consecutive months;
 - b. The amount of water used to dilute the boiler solvent cleaning waste solution, in gallons per year, calculated at the end of each month cleaning solvent solution has been consumed as the sum of the previous twelve consecutive months;
 - c. Documentation of solvent concentrations required by Condition A.18 in this section of the permit;
 - d. Test results for metals in boiler cleaning solvent solution, and any supplemental calculations, as required in Condition A.20 in this section of the permit;
 - e. Opacity monitor strip chart readings, or other continuous readings, recorded during the combined burning of coal and solvent solution, shall be maintained as separate records.

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-490 F and Conditions 9 and 15 of 01/13/94 NSR permit)

- 3. **On Site Records on Waste Pond Bottoms Co-firing in Unit ES-2** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with the permit. These records shall include, but are not limited to:
 - a. Operation and control device monitoring records for Unit ES-2 and record of coal firing status, when combusting waste pond bottoms;
 - b. Waste pond bottoms hourly co-firing rate in Unit ES-2, defined as the ratio of metered tons, expressed on a dry weight basis, and measured co-firing hours, including a record of daily start and stop times; and

- c. Operator's log of bottoms transferred daily to the staging bunker (in cubic yards), and tons of annual bottoms transferred, expressed on a dry weight basis, calculated monthly as the sum of each consecutive 12-month period.

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-490 and Condition 11 of 08/23/99 NSR permit)

- 4. **On Site Records for Fluid Heaters ES-4 and ES-5** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. Records shall include, but are not limited to:
 - a. Annual consumption of fuel oil in fluid heaters ES-4 and ES-5, each calculated monthly as the sum of each consecutive 12-month period;
 - b. Fuel supplier certifications;
 - c. All emission calculations relied on by the permittee to demonstrate compliance with the emission limits set forth in this permit, including DEQ-approved, pollutant-specific emission factors, equations and assumptions used;
 - d. Monthly periodic visible emissions observations on heaters ES-4 and ES-5 during months when these units operate; and
 - e. Results of Method 9 visible emission evaluations on heaters ES-4 and ES-5, if any, and any corrective action taken.

These records shall be available at the facility for inspection by DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50 and 9 VAC 5-80-490)

- 5. **Compliance Assurance Monitoring (CAM) Recordkeeping** - The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan (QIP) required pursuant to §64.8 and any activities undertaken to implement a quality improvement plan (QIP), and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
(9 VAC 5-80-490 and 40 CFR 64.9(b))

D. Testing

- 1. **PM Emissions Testing for Units ES-1, ES-2 and ES-3** – Testing to demonstrate compliance with the permit shall be conducted for PM emissions from Units ES-1, ES-2 and ES-3 within twelve (12) months of the issuance of this permit, and within one year of each 5-year update, or sooner if directed. Stack testing for PM-10 or other air pollutants may be directed, if DEQ determines such testing is required to meet the requirements of Conditions A.11 and A.13 in this section of the permit. Testing of fluid heaters ES-4 and ES-5 is not required unless directed.
(9 VAC 5-80-490)

2. **PM Emissions Testing for Units ES-1 and ES-2** - The permittee shall conduct stack testing for PM on Units ES-1 and ES-2. The stack test shall be conducted at least once per every four successive "QA Operating Quarters" (as defined in 40 CFR 72.2) and the results of the testing shall be submitted to the Director, Tidewater Regional Office.
(9 VAC 5-80-490)
3. **Other Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-490)

E. Reporting

1. The permittee shall furnish written reports to the Director, Tidewater Regional Office of excess emissions from any process monitored by a continuous monitoring system (COMS/CEMS) for Opacity on the Common Stack and on Unit 3 on a semi-annual or quarterly basis, postmarked no later than the 30th day following the end of the calendar half or quarter. These reports shall include, but are not limited to the following information:
 - a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.
(9 VAC 5-80-490)
2. **Ozone Season NO_x Data** – The permittee shall submit the results, and any supporting data, related to ozone season NO_x measurements or calculations to the Director, Tidewater Regional Office by October 15 of each calendar year.
(9 VAC 5-80-490 and Condition 3 and 4 of 09/03/96 Ozone Season permit)
3. **NSR Permit Invalidation** – The NSR permit dated August 23, 1999, to combust waste pond bottoms in Unit ES-2 shall become invalid, unless an extension is granted by the DEQ, if combustion of waste pond bottoms is discontinued for a period of 18 months or more, or is not completed within a reasonable time, except for a DEQ approved period between phases of combustion.
(9 VAC 5-80-490, 9 VAC 5-80-1210 and Condition 17 of 08/23/99 NSR permit)

4. **Compliance Assurance Monitoring (CAM) Reporting** - The permittee shall submit CAM reports as part of the quarterly or semi-annual excess emission reports required by Condition E.1 of this section to the Director, Tidewater Regional Office. Such reports shall include at a minimum:
 - a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - c. A description of the actions taken to implement a quality improvement plan (QIP), if required, during the reporting period as specified in Condition B.14 of this section and §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.
(9 VAC 5-80-490 and 40 CFR 64.9(a))
5. **Consent Decree** - The permittee shall submit semi-annual reports required under Appendix B of the Consent Decree (Appendix B of permit), until the expiration of the Decree.
(9 VAC 5-80-490 and Paragraph 95 and Appendix B of Appendix B)

IV. Process Equipment Requirements – (ES-6a to ES-6d)

A. Limitations

1. **PM and PM₁₀ Emission Control Requirements for Units ES-6a, ES-6b, ES-6c and ES-6d** – Particulate matter (PM and PM₁₀) emissions from coal pile grading and maintenance, and coal crushing and transfer points in the coal handling system, shall be controlled at all times, including periods of startup, shutdown and malfunction, by wet suppression as necessary, and by maintaining and operating the facility, including any air pollution control equipment, in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to monitoring results, opacity observations, review or operating and maintenance procedures and inspection of the source.
(9 VAC 5-40-20 and 9 VAC 5-80-490)

2. **PM and PM₁₀ Emission Limit for Coal Pile Grading and Maintenance (Unit ES-6d)** – Total emissions from coal storage pile grading and maintenance, Unit ES-6d, shall not exceed the limit specified below:

Particulate Matter (PM/PM₁₀) 71.2 lbs/hr

Compliance shall be determined as stated in Condition A.1 of this section.
(9 VAC 5-40-260 D and 9 VAC 5-80-490)

3. **PM and PM₁₀ Emission Limit for Coal Crushing (Unit ES-6b, Drop Point DP-3)** – Emissions from coal crushing, Unit ES-6b, Drop Point DP-3, shall not exceed the limit specified below:

Particulate Matter (PM/PM₁₀) 71.2 lbs/hr

Compliance shall be determined as stated in Condition A.1 of this section.
(9 VAC 5-40-260 D and 9 VAC 5-80-490)

4. **Visible Emission Limits for Coal Transfer Points DP-1 to DP-9** – Visible emissions from coal transfer points, DP-1 to DP-9, shall not exceed twenty (20) percent opacity, except during one 6-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity, as determined by the EPA Method 22 (reference 40 CFR 60, Appendix A).
(9 VAC 5-40-80 and 9 VAC 5-80-490)

B. Monitoring and Recordkeeping

1. **Weekly Visual Observations for Coal and Fly Ash Handling Emissions** – The permittee shall observe the coal handling and fly ash handling systems for visible emissions on a weekly basis, weather permitting. If visible emissions are noted, the permittee shall correct the conditions causing the visible emissions as expeditiously as practical. The permittee shall record all instances of visible emissions and the corrective action taken (if any) in a log. The log shall be kept on site and available for inspection by DEQ for the most recent five (5) years.
(9 VAC 5-80-490 E)
2. **On Site Records for Coal and Fly Ash Handling** – The permittee shall maintain records of emissions data and operating parameters as necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:
 - a. Annual coal throughput for the facility, calculated monthly as the sum of each consecutive 12-month period;
 - b. Use of any other dust suppressant than water, including the type of suppressant employed, the reason for use, and when and where used, as specified in Condition VIII.N of this permit;
 - c. Any malfunction of dust control equipment and the corrective actions taken (e.g., malfunction of a baghouse, wheel washer, or water truck, etc.);
 - d. Records sufficient to confirm the plant's current hourly coal handling rate and associated emission rate;
 - e. Weekly visible emissions observations log of coal and fly ash handling; and

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50 and 9 VAC 5-80-490)

C. Testing

1. No specific testing requirements are imposed for applicable requirements related to coal crushing and handling. Compliance with each limitation shall be based on compliance with monitoring, recordkeeping and reporting provisions of this section.
(9 VAC 5-80-490)

V. Facility Wide Conditions

A. Limitations

1. **Stratospheric Ozone Regulations** – The permittee shall comply with each applicable provision of 40 CFR 82, Protection of Stratospheric Ozone, Subparts B and F.
(9 VAC 5-80-490; 40 CFR 82, Sections 82.34, 82.36, 82.42, 82.154, 82.156, 82.158, 82.161, 82.162, 82.166; and Appendices to Subpart B)

B. Monitoring and Recordkeeping

1. **Notification for Control Equipment Maintenance** – The permittee shall furnish notification to the Director, Tidewater Regional Office of the intention to shut down or bypass, or both, air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least 24 hours prior to the shutdown. The notification shall include, but is not limited to, the following information:
 - a. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;
 - b. The expected length of time that the air pollution control equipment will be out of service;
 - c. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period; and
 - d. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.(9 VAC 5-20-180 I, 9 VAC 5-80-490 and Condition 14 of 08/23/99 NSR permit)
2. **Maintenance/Operating Procedures** – The permittee shall take the following measures to minimize the duration and frequency of excess emissions associated with all combustion units, and coal and fly ash handling operations, with respect to air pollution control equipment and process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance;
 - b. Maintain an appropriate inventory of spare parts;
 - c. Have available written operating procedures for equipment. These procedures shall be based on manufacturers' recommendations, at a minimum; and
 - d. Train operators in the proper operations of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained at the facility for a period of five (5) years, and shall be available to DEQ personnel upon request.

(9 VAC 5-80-490, Conditions 14, 19 and 20 of 01/13/94 NSR permit and Condition 19 of 08/23/99 NSR permit)

C. Testing

1. **Test Ports** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30, 9 VAC 5-80-490 E and F, Condition 13 of 01/13/94 NSR permit and Condition 9 of 08/23/99 NSR permit)
2. **Test Methods** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-490)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1	No. 2 fuel oil storage tank	9 VAC 5-80-720 B	VOC	15,229 gallons
IS-2	No. 2 fuel oil storage tank	9 VAC 5-80-720 B	VOC	466,379 gallons
IS-3	Kerosene dispensing station and tank	9 VAC 5-80-720 B	VOC	5,000 gallons
IS-4	Turbine lube oil systems	9 VAC 5-80-720 B	VOC	
IS-5	Induced draft fan lube oil system	9 VAC 5-80-720 B	VOC	
IS-6	Forced draft fan lube oil system	9 VAC 5-80-720 B	VOC	
IS-7	Boiler feed pump system	9 VAC 5-80-720 B	VOC	
IS-8	No. 6 fuel oil drain tanks	9 VAC 5-80-720 B	VOC	1,028 gallons & 1,028 gallons
IS-9	Station degreaser systems-SafetyKleen self-contained	9 VAC 5-80-720 B	VOC	
IS-10	No. 6 fuel oil storage tank	9 VAC 5-80-720 B	VOC	11,130,000 gallons
IS-11	No. 6 fuel oil storage tank (Yorktown Refinery)	9 VAC 5-80-720 B	VOC	21,217,216 gallons
IS-12	No. 6 fuel oil storage tank (Yorktown Refinery)	9 VAC 5-80-720 B	VOC	21,180,725 gallons
IS-13	No. 6 fuel oil storage tank (Yorktown Refinery)	9 VAC 5-80-720 B	VOC	21,227,055 gallons
IS-14	No. 6 fuel oil storage tank (Yorktown Refinery)	9 VAC 5-80-720 B	VOC	21,222,541 gallons
IS-15	No. 6 fuel oil storage tank (Yorktown Refinery)	9 VAC 5-80-720 B	VOC	21,224,611 gallons
IS-16	Gasoline dispensing station and tank	9 VAC 5-80-720 B	VOC	5,000 gallons
IS-17	Used oil separator tank	9 VAC 5-80-720 B	VOC	10,362 gallons
IS-18	Fly ash handling & truck loading (controlled by addition of water)	9 VAC 5-80-720 B	PM10	
IS-19	Unit 3 fuel oil additive storage tank	9 VAC 5-80-720 B	VOC	8,813 gallons
IS-20	Hydrogen oil seal tank system	9 VAC 5-80-720 B	VOC	
IS-21	No. 2 fuel oil-fired emergency generator	9 VAC 5-80-720 B	VOC, SO ₂ , NO _x , PM10, CO	
IS-22	Electro-hydraulic control system	9 VAC 5-80-720 B	VOC	
IS-23	Fire water diesel pump and tank	9 VAC 5-80-720 B	VOC, SO ₂ , NO _x , PM10, CO	575 gallon tank, 340 Hp engine
IS-24	Coal yard diesel fuel dispensing station and tank	9 VAC 5-80-720 B	VOC	5,000 gallons
IS-25	Warehouse diesel fuel dispensing station and tank	9 VAC 5-80-720 B	VOC	5,000 gallons
IS-26	Emergency diesel generator and fuel tank	9 VAC 5-80-720 B	VOC	584 gallons
IS-27	No. 2/diesel fuel tank for oil heater (Tank 161), constructed 1972	9 VAC 5-80-720 B	VOC	15,571 gallons
IS-28	No. 2/diesel fuel tank for oil heater (Tank 161), constructed 1972	9 VAC 5-80-720 B	VOC	15,571 gallons

IS-29	No. 2/diesel fuel tank for oil heater (Tank 161), constructed 1974	9 VAC 5-80-720 B	VOC	70,438 gallons
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These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-490 C, E and F.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR Part 60, Subpart Ka	Performance Standards for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984	This requirement does not apply to any of the tanks listed as insignificant. The tanks are either smaller in size than 400,000 gallons or were installed prior to, and not modified after, the applicability date of May 18, 1978.
40 CFR Part 60, Subpart Kb	Performance Standards for VOL Storage Vessels (including petroleum liquid storage vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984	This requirement does not apply to any of the Volatile Organic Liquid (VOL) storage tanks listed as insignificant. The tanks are either smaller in size than 20,000 gallons, or were installed prior to, and not modified after, the applicability date of July 23, 1984 (68FR59328, et seq., of 10/15/03)
40 CFR Part 60, Subpart Y (60.250-60.254)	Standards of Performance for New or Modified Coal Preparation Plants	Any coal preparation facility processing more than 200 tons coal per day that constructs or modifies after October 24, 1974. This facility existed before that date, and exceeds the process rate, but has not reported modifications to coal preparation processes.
40 CFR Part 60, Subparts D, Da, Db, Dc (60.40-60.48c)	Boiler NSPS Subparts	All boilers at this facility were constructed prior to, and not modified after, the applicability date for each NSPS.
40 CFR Part 63	All Subparts	No current MACT affected sources at this facility.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-500)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-490 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-430, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-430 B, C, and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used; and
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.(9 VAC 5-80-490 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-490 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."(9 VAC 5-80-490 F)

D. Annual Compliance Certification

1. Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:
 - a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
 - b. The identification of each term or condition of the permit that is the basis of the certification;
 - c. The compliance status;
 - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
 - e. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period; and
 - f. Such other facts as the permit may require to determine the compliance status of the source.
2. One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-490 K.5)

E. Permit Deviation Reporting

1. The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.
(9 VAC 5-80-490 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

1. In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.
 - a. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.
 - b. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
 - (1) Unit ES-1
 - (2) Unit ES-2
 - (3) Unit ES-3
 - c. Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9 VAC 5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - (1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - (4) When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

- d. All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within 14 days of the discovery of the malfunction.
(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

G. Severability

1. The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-490 G.1)

H. Duty to Comply

1. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-490 G.2)

I. Need to Halt or Reduce Activity not a Defense

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-490 G.3)

J. Permit Modification

1. A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-550 and 9 VAC 5-80-660)

K. Property Rights

1. The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-490 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-490 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-430 G. (9 VAC 5-80-490 K.1)

M. Duty to Pay Permit Fees

1. The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-490 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

1. During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
 - a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-40-490 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

1. At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

1. Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 3.
(9 VAC 5-80-490 J)

Q. Inspection and Entry Requirements

1. The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
 - a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9 VAC 5-80-490 K.2)

R. Reopening For Cause

1. The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-430 F.
 - a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-490 D.
(9 VAC 5-80-490 L)

S. Permit Availability

1. Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-510 G)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-520)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of the following paragraph of this condition are met.
 - a. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - (1) A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - (2) The permitted facility was at the time being properly operated.
 - (3) During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - (4) The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
- c. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-650)

V. Permit Revocation or Termination for Cause

- 1. A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-550 C and 9 VAC 5-80-660)

W. Duty to Supplement or Correct Application

- 1. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-430 E)

X. Stratospheric Ozone Protection

- 1. If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

- 1. The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-490 A.1)

Z. Accidental Release Prevention

- 1. If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

1. No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-490 I)

BB. Emissions Trading

1. Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
 - a. All terms and conditions required under 9 VAC 5-80-490, except subsection N, shall be included to determine compliance;
 - b. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-360 through 9 VAC 5-80-700.
(9 VAC 5-80-490 I)

IX. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

A. Statutory and Regulatory Authorities

1. In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3). (9 VAC 5-80-490 B.2)

B. SO₂ Allowance Allocations and NO_x Requirements for Affected Units

		2008	2009	2010	2011	2012
	SO ₂ allowances, under Table 2, 40 CFR Part 73 (tons)	4670	4670	4679	4679	4679
Unit 1	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 1, effective for calendar year 2008 through 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>If the permittee submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

		2008	2009	2010	2011	2012
Unit 2	SO ₂ allowances, under Table 2, 40 CFR Part 73 (tons)	4673	4673	4503	4503	4503
	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 2, effective for calendar year 2008 through 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>If the permittee submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

		2008	2009	2010	2011	2012
Unit 3	SO ₂ allowances, under Table 2, 40 CFR Part 73 (tons)	6303	6303	6316	6316	6316

(9 VAC 5-80-490 A.4)

C. Additional Requirements, Notes, Comments and Justifications

1. **Additional Requirements** – Virginia Power and Electric Company shall submit a complete permit application that includes all of the information required under 40 CFR §§72.21 and 72.31 including a complete NO_x compliance plan in accordance with 40 CFR §76.9(c), at least 6 months, but no earlier than 18 months, prior to the date of expiration of the existing Phase II Acid Rain permit. EPA forms shall be used.
(9 VAC 5-80-430 C.5)
2. **Notes** – SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO₂ emissions from this unit in accordance with 40 CFR 72.9(c)(1).
(9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)
3. **Justifications** – Unit 3 is a natural gas/oil- fired unit and is not subject to the NO_x limitations under 40 CFR Part 76.
(9 VAC 5-80-420 D)

X. NO_x Budget Trading Program Requirements

A. NO_x Budget Permit General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, each NO_x Budget source is required to have a federally enforceable permit. This section of the document represents the NO_x Budget permit.
(9 VAC 5-140-40)
2. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.
(9 VAC 5-140-200 A)
3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_x Budget Trading program as “opt-in” air emission sources.

Table X – 1 Facility NO _x Budget Units				
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
ES-1	03809-001	Combustion Engineering tangential-fired boiler	1697	170
ES-2	03809-002	Combustion Engineering tangential-fired boiler	1745	170
ES-3	03809-003	Combustion Engineering tangential-fired boiler	8061	850

(9 VAC 5-140-40 A)

B. Standard Requirements

1. Continuous Monitoring requirements.
 - a. The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5-140-700 et seq.
 - b. The emissions measurements recorded and reported in accordance with 9 VAC 5-140-700 et seq. (subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under Conditions 2.a through 2.h of this section. The following approved methods will be used to calculate NO_x Control Period and Annual emission rates:

Table X-2 NO_x Mass Emission Rate Monitoring Units ES-1, ES-2 and ES-3	
Item Monitored	Monitoring Methods (40 CFR 75)
Heat input (HI), (Formulas F15 and F21A)	Calculated
NO _x emissions rate and NO _x mass emission rate (Formula F-6 and Formula F-24)	CO ₂ and NO _x Continuous Emissions Monitoring Systems (CEMS) with DAHS**; NO _x mass emission rates are calculated using heat input rates
Carbon-based F-factor (FC) (Formula F-8)	Calculated
SO ₂ mass emission rate (Formula F-1)	SO ₂ CEMS and DAHS
CO ₂ mass emission rate (Formula F-11)	CO ₂ CEMS and DAHS
Net Stack Flow (FLOW)	Differential pressure (DP) sampling method: average of two DP sampling points, and DAHS
Opacity -Stack 0 for Units ES-1 and ES-2 -Stack 3 for Unit ES-3	Continuous Opacity Monitoring Systems (COMS)

** Data Acquisition and Handling System
(9 VAC 5-140-60 B.1 and 9 VAC 5-140-60 B.2)

2. Nitrogen oxides requirements.

- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and applicable Virginia Air Pollution Control law.
(9 VAC 5-140-60 C.2)
- c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004 or the date on which the unit commences operation if the date falls within the Control Period.
(9 VAC 5-140-60 C.3)

- d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with 9 VAC 5-140-400 et seq., 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., and 9 VAC 5-140-800 et seq..
(9 VAC 5-140-60 C.4)
 - e. A NO_x allowance shall not be deducted in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
(9 VAC 5-140-60 C.5)
 - f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
(9 VAC 5-140-60 C.6)
 - g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)
 - h. Upon recordation by the administrator under 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., or 9 VAC 5-140-800 et seq., every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)
3. Excess emissions requirements.
- a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:
 - (1) Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
 - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.
- (9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

- 1. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall have accessible each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.
(9 VAC 5-140-60 E.1)

- a. The account certificate of representation for the NO_x authorized account representative and each NO_x Budget unit for the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be accessible beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
(9 VAC 5-140-60 E.1)
 - b. All emissions monitoring information, in accordance with 9 VAC 5-140-700 et seq. of this part; provided that to the extent that 9 VAC 5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.
(9 VAC 5-140-60 E.1)
 - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
 - d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
2. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under 9 VAC 5-140-300 et seq., 9 VAC 5-140-700 et seq., or 9 VAC 5-140-800 et seq.
(9 VAC 5-140-60 E.2)

D. Emission Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-140-710)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use test methods approved by DEQ.
(9 VAC 5-140-700 to 710)

E. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)
4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)
5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)
6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 *et seq.*), the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

F. Effect on Other Authorities

1. No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.
(9 VAC 5-140-60 G)

XI. Clean Air Interstate Rule (CAIR) Permit

1. The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 *et seq.*, 9 VAC 5-140-2010 *et seq.*, 9 VAC 5-140-3010 *et seq.*, and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit is Attachment A to this document and expires upon expiration of this Title V Permit.
(9 VAC 5-80-490, 40 CFR Part 96 and 9 VAC 5 Chapter 140)

XII. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. Odor (9 VAC 5 Chapter 40, Article 2)
2. State toxics rule (9 VAC 5 Chapter 60)
(9 VAC 5-80-490 N and 9 VAC 5-80-700)

Appendix A
CAIR Application

CAIR Permit Application

(for sources covered under a CAIR SIP)

Page 1

For more information, refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321, and 96.322

This submission is: ☒ New ☐ Revised

STEP 1
Identify the source by plant name, State, and ORIS or facility code

Plant Name **Dominion – Yorktown Power Station** State **VA** ORIS/Facility Code **3809**

STEP 2
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO _x Annual	SO ₂	NO _x Ozone Season
1	X	X	X
2	X	X	X
3	X	X	X

STEP 3
Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §96.122, §96.222, and §96.322 (as applicable) in accordance with the deadlines specified in §96.121, §96.221, and §96.321 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II, III, and IIII (as applicable) of 40 CFR part 96, the owners and operators of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) that is not otherwise required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for such CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and such CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable).

Plant Name (from Step 1) **Dominion – Yorktown Power Station**

**STEP 3,
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) with the CAIR NO_x emissions limitation, CAIR SO₂ emissions limitation, and CAIR NO_x Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO_x allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO_x unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO₂ unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

(4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name (from Step 1) **Dominion – Yorktown Power Station**

**STEP 3,
continued**

(d) Excess emissions requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(f) Liability.

(1) Each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x units, CAIR SO₂ units, and CAIR NO_x Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

Plant Name (from Step 1) **Dominion – Yorktown Power Station**

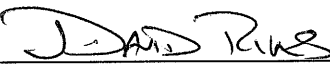
**STEP 3,
continued**

(g) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name J. David Rives	
Signature 	Date 06-21-07